



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Goldenberg et al.  
Appl. No. : 10/644,894  
Filed : 8/21/2003  
Title : STRETCHED ROLLED ELECTROACTIVE POLYMER TRANSDUCERS  
AND METHOD OF PRODUCING SAME  
Grp./A.U. : 2858  
Examiner :  
  
Docket No.: 14422

Honorable Commissioner of Patents  
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.47(a)  
PETITION TO ACCEPT APPLICATION IN THE NAME OF SIGNING  
INVENTORS ON BEHALF OF NON-SIGNING INVENTOR

Petition is hereby made that the above referenced application for patent be accepted and prosecuted on behalf of two of the three inventors who have signed on behalf of the non-signing inventor. Submitted with this petition is a Declaration which has been signed by inventors Andrew A. Goldenberg and Alex Kapps who have signed a Declaration with respect to being co-inventors with respect to non-signing inventor, Landy Toth.

Submitted with this petition is a Declaration of Nancy E. Hill, a Patent Agent in Canada who is registered to practice before the United States Patent Office under Registration No. 41,564 laying out the factual background with respect to the refusal of inventor, Landy Toth to participate in the current application. Also submitted herewith is the fee set forth under 37 C.F.R. § 1.17(h) of \$130.00 for the petition. Any

deficiencies in these fees may be charged to Deposit Account No.

03/18/2004 HLE333 00000085 10644894

04 FC:1460

130.00 OP

04-1577.

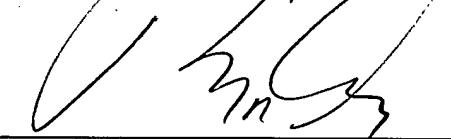
The last know address of Landy Toth is 30 Charles Street West, Apt. #419, Toronto, Ontario M4Y 1R5, Canada. On information and belief it is understood that the non-signing inventor now may be working at SMM Medical AD, St. Torget 2.3trp, Berzelius Science Park, SE 582 25, Linkoping, Sweden, telephone number 013-31 49 41 / 43.

Also submitted with this petition is a response to the Notice to File Missing Parts including payment of all fees together with the executed Declaration signed by two of the three inventors and the Declaration of Ms. Hill.

In the event the Petitions Examiner requires further information with respect to this matter, the Petitions Examiner is invited to contact the undersigned attorney-of-record at the telephone number shown below.

Respectfully submitted,

DOWELL & DOWELL, P. C.



Ralph A. Dowell, Reg. No.: 26,868

Date: March 17, 2004

DOWELL & DOWELL, P. C.  
Suite 309, 1215 Jefferson Davis Highway  
Arlington, Virginia 22202  
Telephone: (703) 415-2555

U.S. PATENT AND TRADEMARK OFFICE  
*IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*



In the application of

Goldenberg et al.)

Ser.no.: 10/644,894

Filed: August 21, 2003

Title: STRETCHED ROLLED ELECTROACTIVE POLYMER TRANSCUERS AND  
METHOD OF PRODUCING SAME

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**DECLARATION**

I, Nancy E. Hill declare as follows:

1. I am a registered patent agent in Canada with a registration number of 4150 and am registered in the United States under registration number 41,564.
2. I prepared the application in association with all of the inventors and in particular in association with the inventor Landy Toth.
3. The application was filed on August 21, 2003.
4. The Application was forwarded to the inventors on November 26, 2003 to their place of business.
5. The Declaration and power of Attorney was forwarded directly to the inventor Landy Toth by email on February 27, 2004. A copy of the email is attached as Exhibit A.

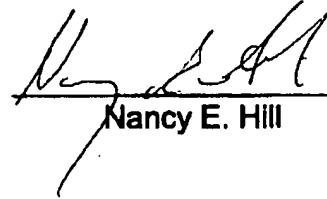
6. A reminder was sent on March 8, 2004. A copy of the email is attached is attached as Exhibit B.

7. A response was received from Landy Toth wherein he advised me that he was forwarding this to his lawyer. A copy of the email is attached as Exhibit C.

8. A copy of the application was sent to him by way of email on March 16, 2004 in the event that he did not receive a copy from the place of business. A copy of the email is attached as Exhibit D.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

March 17/04  
Dated:

  
\_\_\_\_\_  
Nancy E. Hill

**Nancy Hill**

---

**From:** "Nancy Hill" <nhill@hill-schumacher.com>  
**To:** <landy@smm-medical.se>  
**Sent:** Friday, February 27, 2004 6:47 PM  
**Attach:** 6300000743.PDF  
**Subject:** Declaration and Power of Attorney

Landy:

Please find attached two Declarations and Power of Attorneys. Please sign each and return it to me for filing in the USPTO. Please either fax or email the signed version to me but also send the original to Hill & Schumacher 87 Falcon Street, Toronto, Ontario, M4S 2P4.

If you have any queries, please contact me.

Best regards,

Nancy E. Hill  
HILL & SCHUMACHER  
[nhill@hill-schumacher.com](mailto:nhill@hill-schumacher.com)  
telephone: 416 368 1097  
fax: 416 368 3628

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention STRETCHED ROLLED ELECTROACTIVE POLYMER TRANSDUCERS AND METHOD OF PRODUCING SAME

As the below named inventor(s), I/we declare that:

This declaration is directed to:

The attached application, or  
 Application No. 10/644,894, filed on 8/21/03  
 as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought:

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

## FULL NAME OF INVENTOR(S)

Inventor one: Andrew A. GoldenbergSignature:  Citizen of: CanadaInventor two: Landy TothSignature:  Citizen of: CanadaInventor three: Alex KappsSignature:  Citizen of: Canada

Inventor four: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: \_\_\_\_\_

 Additional inventors or a legal representative are being named on additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

|                        |                   |
|------------------------|-------------------|
| Application Number     | 10/644,894        |
| Filing Date            | 21 August 2003    |
| First Named Inventor   | Goldenberg et al. |
| Title                  | Stretched..Same   |
| Art Unit               |                   |
| Examiner Name          |                   |
| Attorney Docket Number | 14422             |

I hereby appoint:

 Practitioners at Customer Number: 000293

OR

 Practitioner(s) named below:

| Name               | Registration Number |
|--------------------|---------------------|
| Ralph A. Dowell    | 26,868              |
| Nancy E. Hill      | 41,564              |
| Lynn C. Schumacher | 36,413              |
| Wendy M. Slade     | 53,604              |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

 The above-mentioned Customer Number:

OR

 The address associated with Customer Number:

OR

|   |                              |       |              |
|---|------------------------------|-------|--------------|
| <input checked="" type="checkbox"/> Firm or Individual Name | Ralph A. Dowell              |       |              |
| Address   | DOWELL & DOWELL, P.C.        |       |              |
| Address   | Suite 309                    |       |              |
| City  | 1215 Jefferson Davis Highway | State | VA           |
| Country   | US                           | Zip   | 22202        |
| Telephone   | 703 415 2555                 | Fax   | 703 415 2559 |

I am the:

 Applicant/Inventor.

 Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
**SIGNATURE of Applicant or Assignee of Record**

|           |   |
|-----------|---|
| Name      | Andrew A. Goldenberg  |
| Signature |  |
| Date      | 17 DECEMBER 8, 2003   |
| Telephone | 416-545-5379  |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

\*Total of 3 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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| Title                  | Stretched, Same   |
| Art Unit               |                   |
| Examiner Name          |                   |
| Attorney Docket Number | 14422             |

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| Lynn C. Schumacher | 36,413              |
| Wendy M. Slade     | 53,604              |

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 The above-mentioned Customer Number:

OR

 The address associated with Customer Number:

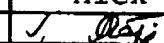
OR

|   |                              |       |              |
|---|------------------------------|-------|--------------|
| <input checked="" type="checkbox"/> Firm or Individual Name | Ralph A. Dowell              |       |              |
| Address   | DOWELL & DOWELL, P.C.        |       |              |
| Address   | Suite 309                    |       |              |
| City  | 1215 Jefferson Davis Highway | State | VA           |
| Country   | US                           | Zip   | 22202        |
| Telephone   | 703 415 2555                 | Fax   | 703 415 2559 |

I am the:

 Applicant/Inventor. Assignee of record of the entire interest. See 37 CFR 3.71.  
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## SIGNATURE of Applicant or Assignee of Record

|           |   |           |                     |
|-----------|---|-----------|---------------------|
| Name      | Alex Kapps  |           |                     |
| Signature |  |           |                     |
| Date      | Dec 10, 2003  | Telephone | 416-5955519 ext 232 |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

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|                                     |                              |  |              |
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| <input checked="" type="checkbox"/> | Firm or Individual Name      | Ralph A. Dowell<br>DOWELL & DOWELL, P.C. |              |
| Address                             | Suite 309                    |  |              |
| Address                             | 1215 Jefferson Davis Highway |  |              |
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## SIGNATURE of Applicant or Assignee of Record

|           |            |
|-----------|------------|
| Name      | Landy Toth |
| Signature | ✓          |
| Date      | ✓          |
|           | Telephone  |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

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**Nancy Hill**

---

**From:** "Nancy Hill" <nhill@hill-schumacher.com>  
**To:** <landy@smm-medical.se>  
**Sent:** Monday, March 08, 2004 4:44 PM  
**Attach:** 6300000743.PDF  
**Subject:** Fw: Declaration and Power of Attorney

Landy:  
Please respond as soon as possible.

Best regards,  
Nancy E. Hill  
HILL & SCHUMACHER

nhill@hill-schumacher.com  
telephone: 416 368 1097  
fax: 416 368 3628

— Original Message —

**From:** Nancy Hill  
**To:** landy@smm-medical.se  
**Sent:** Friday, February 27, 2004 6:47 PM  
**Subject:** Declaration and Power of Attorney

Landy:  
Please find attached two Declarations and Power of Attorneys. Please sign each and return it to me for filing in the USPTO. Please either fax or email the signed version to me but also send the original to Hill & Schumacher 87 Falcon Street, Toronto, Ontario, M4S 2P4.

If you have any queries, please contact me.

Best regards,  
Nancy E. Hill  
HILL & SCHUMACHER  
nhill@hill-schumacher.com  
telephone: 416 368 1097  
fax: 416 368 3628

Nancy Hill

**From:** "Landy Toth" <[landy@smm-medical.se](mailto:landy@smm-medical.se)>  
**To:** "Nancy Hill" <[nhill@hill-schumacher.com](mailto:nhill@hill-schumacher.com)>  
**Sent:** Friday, March 12, 2004 6:56 AM  
**Subject:** Re: Declaration and Power of Attorney

Dear Nancy,

Thank you for your emails. I have been away on business.

I forwarded your first email to my lawyer with a few questions. I will reply to you as soon as I hear back.

Best regards,  
Landy

----- Original Message -----

**From:** Nancy Hill  
**To:** [landy@smm-medical.se](mailto:landy@smm-medical.se)  
**Sent:** Monday, March 08, 2004 10:44 PM  
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fax: 416 368 3628

**Nancy Hill**

---

**From:** "Nancy Hill" <nhill@hill-schumacher.com>  
**To:** <landy@smm-medical.se>  
**Sent:** Tuesday, March 16, 2004 4:24 PM  
**Attach:** 6300000757.PDF  
**Subject:** Fw: Declaration and Power of Attorney

Landy:

I would ask that you sign the Declaration and Power of Attorney in regard to these matters and pursue any dispute that you may have in regard to ESI through the assignments. A copy of the assignments that we will need to file in due course are attached.

Please advise immediately if you will not be signing these documents. We have a due date of March 17.

Best regards,

Nancy E. Hill

HILL & SCHUMACHER

nhill@hill-schumacher.com

telephone: 416 368 1097

fax: 416 368 3628

----- Original Message -----

**From:** Landy Toth  
**To:** Nancy Hill  
**Sent:** Friday, March 12, 2004 6:56 AM  
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**Nancy Hill**

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**From:** "Nancy Hill" <[nhill@hill-schumacher.com](mailto:nhill@hill-schumacher.com)>  
**To:** <[landy@smm-medical.se](mailto:landy@smm-medical.se)>  
**Sent:** Tuesday, March 16, 2004 4:27 PM  
**Attach:** 6300000760.PDF  
**Subject:** application

Landy:

It has come to my attention that you may not have a copy of this application. Accordingly I am attaching a copy of the application. Further I would ask that you sign the Declaration and sort our your differences with ESI in regard to the assignment. As set out in my earlier email the due date is March 17. I have only included the most urgent application since the document is so big. I can forward the other application to you by regular mail once I receive your address.

Further, please provide me with your current address.

Best regards,

Nancy E. Hill

HILL & SCHUMACHER

[nhill@hill-schumacher.com](mailto:nhill@hill-schumacher.com)

telephone: 416 368 1097

fax: 416 368 3628